

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/21/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEEBA HARRIS,

Petitioner,

-against-

COMMONWEALTH OF
PENNSYLVANIA,

Respondent.

23-CV-10901 (VEC)

TRANSFER ORDER

VALERIE CAPRONI, United States District Judge:

Petitioner, currently incarcerated at S.C.I. Cambridge in Cambridge Springs, Pennsylvania, paid the \$5.00 fee to bring this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, challenging the constitutionality of her 2023 conviction in the Common Court of Pleas of Pike County, in Milford, Pennsylvania. Because Petitioner was convicted and sentenced in Pikes County, which is located in the Middle District of Pennsylvania, this action is transferred under 28 U.S.C. § 2241(d) and Local Rule 83.3 to the United States District Court for the Middle District of Pennsylvania.¹ *See, e.g., Marcy v. Warden, SCI Graterford*, No. 17-CV-49 (JPH), 2017 WL 780887, at *2 (E.D. Pa. Jan. 25, 2017) (transferring a § 2254 petition challenging the petitioner's underlying conviction to the district of conviction).

The Clerk of Court is respectfully directed to transfer this action to the United States District Court for the Middle District of Pennsylvania. This order closes this case.

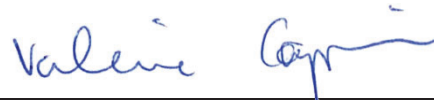
Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

¹ Petitioner previously filed a civil rights complaint in this Court challenging the conditions of her confinement in Montgomery County, Pennsylvania. *See* Compl., *Harris v. Tonkin*, No. 1:21-CV-1246 (S.D.N.Y. Feb. 11, 2021), Dkt. 2. By order dated February 16, 2021, then-Chief Judge McMahon transferred that matter to the United States District Court for the Eastern District of Pennsylvania. *See* Order, *Harris v. Tonkin*, No. 1:21-CV-1246 (S.D.N.Y. Feb. 16, 2021), Dkt. 3.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: December 21, 2023
New York, New York



VALERIE E. CAPRONI
United States District Judge